

**AMENDMENT TO H.R. 3, AS REPORTED
OFFERED BY MR. DREIER OF CALIFORNIA**

Strike title VIII of the bill and insert the following:

**1 TITLE VIII—TRANSPORTATION
2 DISCRETIONARY SPENDING
3 GUARANTEE**

**4 SEC. 8101. DISCRETIONARY SPENDING LIMITS FOR THE
5 HIGHWAY AND MASS TRANSIT CATEGORIES.**

6 (a) LIMITS.—(1) Redesignate paragraphs (2)
7 through (9) of section 251(c) of the Balanced Budget and
8 Emergency Deficit Control Act of 1985 as paragraphs (7)
9 through (14), respectively, and strike paragraph (1) of
10 such section 251(c) and insert the following new para-
11 graphs:

12 “(1) with respect to fiscal year 2004—

13 “(A) for the highway category:
14 \$28,052,000,000 in outlays;

15 “(B) for the mass transit category:
16 \$1,436,000,000 in new budget authority and
17 \$6,271,000,000 in outlays;

18 “(2) with respect to fiscal year 2005—

19 “(A) for the highway category:
20 \$34,215,000,000 in outlays;



1 “(B) for the mass transit category:
2 \$1,531,670,000 in new budget authority and
3 \$6,844,000,000 in outlays;

4 “(3) with respect to fiscal year 2006—

5 “(A) for the highway category:
6 \$36,814,000,000 in outlays;

7 “(B) for the mass transit category:
8 \$1,706,670,000 in new budget authority and
9 \$5,978,000,000 in outlays;

10 “(4) with respect to fiscal year 2007—

11 “(A) for the highway category:
12 \$38,428,000,000 in outlays;

13 “(B) for the mass transit category:
14 \$1,823,220,000 in new budget authority and
15 \$7,456,000,000 in outlays;

16 “(5) with respect to fiscal year 2008—

17 “(A) for the highway category:
18 \$39,815,000,000 in outlays;

19 “(B) for the mass transit category:
20 \$1,931,785,000 in new budget authority and
21 \$8,263,000,000 in outlays;

22 “(6) with respect to fiscal year 2009—

23 “(A) for the highway category:
24 \$40,880,000,000 in outlays;



1 “(B) for the mass transit category:
2 \$2,062,755,000 in new budget authority and
3 \$8,817,000,000 in outlays;

4 “(b) DEFINITIONS.—Section 250(c)(4) of the Bal-
5 anced Budget and Emergency Deficit Control Act of 1985
6 is amended—

7 “(1) in subparagraph (B), by striking “the
8 Transportation Equity Act for the 21st Century and
9 all that follows through the colon and inserting: “the
10 Transportation Equity Act: A Legacy for Users.”;
11 and

12 “(2) in subparagraph (C), by—

13 “(A) inserting ‘(and successor accounts)’
14 after ‘budget accounts’; and

15 “(B) striking ‘the Transportation Equity
16 Act for the 21st Century’ and all that follows
17 thereafter through the colon and inserting ‘the
18 Transportation Equity Act: A Legacy for Users
19 or for which appropriations are provided pursu-
20 ant to authorizations contained in that Act.’;
21 and”



1 SEC. 8102. ADJUSTMENTS TO ALIGN HIGHWAY SPENDING
2 WITH REVENUES.

3 Subparagraphs (B) through (E) of section 251(b)(1)
4 of the Balanced Budget and Emergency Deficit Control
5 Act of 1985 are amended to read as follows:

6 “(B) ADJUSTMENT TO ALIGN HIGHWAY
7 SPENDING WITH REVENUES.—(i) When the
8 President submits the budget under section
9 1105 of title 31, United States Code, OMB
10 shall calculate and the budget shall make ad-
11 justments to the highway category for the budg-
12 et year and each outyear as provided in clause
13 (ii)(I)(cc).

14 “(ii)(I)(aa) OMB shall take the actual level
15 of highway receipts for the year before the cur-
16 rent year and subtract the sum of the estimated
17 level of highway receipts in subclause (II) plus
18 any amount previously calculated under item
19 (bb) for that year.

20 “(bb) OMB shall take the current estimate
21 of highway receipts for the current year and
22 subtract the estimated level of receipts for that
23 year.

24 “(cc) OMB shall add one-half of the sum
25 of the amount calculated under items (aa) and
26 (bb) to the obligation limitations set forth in



1 the section 8103 of the Transportation Equity
2 Act: A Legacy for Users and, using current es-
3 timates, calculate the outlay change resulting
4 from the change in obligations for the budget
5 year and the first outyear and the outlays flow-
6 ing therefrom through subsequent fiscal years.
7 After making the calculations under the pre-
8 ceding sentence, OMB shall adjust the amount
9 of obligations set forth in that section for the
10 budget year and the first outyear by adding
11 one-half of the sum of the amount calculated
12 under items (aa) and (bb) to each such year.

13 “(II) The estimated level of highway re-
14 cepts for the purposes of this clause are—

15 “(aa) for fiscal year 2004,
16 \$29,172,000,000;

17 “(bb) for fiscal year 2005,
18 \$33,898,000,000;

19 “(cc) for fiscal year 2006,
20 \$35,393,000,000;

21 “(dd) for fiscal year 2007,
22 \$36,615,000,000;

23 “(ee) for fiscal year 2008,
24 \$37,770,000,000; and



1 “(ff) for fiscal year 2009,
2 \$38,857,000,000.

3 “(III) In this clause, the term ‘highway re-
4 ceipts’ means the governmental receipts cred-
5 ited to the highway account of the Highway
6 Trust Fund.

7 “(C) In addition to the adjustment required by
8 subparagraph (B), when the President submits the
9 budget under section 1105 of title 31, United States
10 Code, for fiscal year 2007, 2008, or 2009, OMB
11 shall calculate and the budget shall include for the
12 budget year and each outyear an adjustment to the
13 limits on outlays for the highway category and the
14 mass transit category equal to—

15 “(i) the outlays for the applicable category
16 calculated assuming obligation levels consistent
17 with the estimates prepared pursuant to sub-
18 paragraph (D), as adjusted, using current tech-
19 nical assumptions; minus

20 “(ii) the outlays for the applicable category
21 set forth in the subparagraph (D) estimates, as
22 adjusted.

23 “(D)(i) When OMB and CBO submit their final
24 sequester report for fiscal year 2006, that report
25 shall include an estimate of the outlays for each of



1 the categories that would result in fiscal years 2007
2 through 2010 from obligations at the levels specified
3 in section 8103 of the Transportation Equity Act: A
4 Legacy for Users using current assumptions.

5 “(ii) When the President submits the budget
6 under section 1105 of title 31, United States Code,
7 for fiscal year 2008, 2009, or 2010, OMB shall ad-
8 just the estimates made in clause (i) by the adjust-
9 ments by subparagraphs (B) and (C).

10 “(E) OMB shall consult with the Committees
11 on the Budget and include a report on adjustments
12 under subparagraphs (B) and (C) in the preview re-
13 port.”.

14 **SEC. 8103. LEVEL OF OBLIGATION LIMITATIONS.**

15 (a) HIGHWAY CATEGORY.—For the purposes of sec-
16 tion 251(b) of the Balanced Budget and Emergency Def-
17 icit Control Act of 1985, the level of obligation limitations
18 for the highway category is—

- 19 (1) for fiscal year 2004, \$34,309,000,000;
20 (2) for fiscal year 2005, \$35,160,000,000;
21 (3) for fiscal year 2006, \$37,417,000,000;
22 (4) for fiscal year 2007, \$38,787,000,000;
23 (5) for fiscal year 2008, \$40,077,000,000; and
24 (6) for fiscal year 2009, \$41,467,000,000.



1 (b) MASS TRANSIT CATEGORY.—For the purposes of
2 section 251(b) of the Balanced Budget and Emergency
3 Deficit Control Act of 1985, the level of obligation limita-
4 tions for the mass transit category is—

5 (1) for fiscal year 2004, \$7,265,900,000;

6 (2) for fiscal year 2005, \$7,646,300,000;

7 (3) for fiscal year 2006, \$8,482,000,000;

8 (4) for fiscal year 2007, \$9,042,000,000;

9 (5) for fiscal year 2008, \$9,639,000,000; and

10 (6) for fiscal year 2009, \$10,277,000,000.

11 For purposes of this subsection, the term “obligation limi-
12 tations” means the sum of budget authority and obligation
13 limitations.

14 **SEC. 8104. ENFORCEMENT OF GUARANTEE.**

15 Clause 3 of rule XXI of the Rules of the House of
16 Representatives is amended—

17 (1) by striking “Transportation Equity Act for
18 the 21st Century” and inserting “Transportation
19 Equity Act: A Legacy for Users”; and

20 (2) by adding at the end the following: “For
21 purposes of this clause, any obligation limitation re-
22 lating to surface transportation projects under sec-
23 tion 1602 of the Transportation Equity Act for the
24 21st Century and section 1702 of the Transpor-
25 tation Equity Act: A Legacy for Users shall be as-



1 sumed to be administered on the basis of sound pro-
2 gram management practices that are consistent with
3 past practices of the administering agency permit-
4 ting States to decide High Priority Project funding
5 priorities within State program allocations.”.

6 **SEC. 8105. TRANSFER OF FEDERAL TRANSIT ADMINISTRA-**
7 **TIVE EXPENSES.**

8 For purposes of clauses 2 and 3 of rule XXI of the
9 House of Representatives, it shall be in order to transfer
10 funds, in amounts specified in annual appropriation Acts
11 to carry out the Transportation Equity Act: A Legacy for
12 Users (including the amendments made by that Act), from
13 the Federal Transit Administration’s administrative ex-
14 penses account to other mass transit budget accounts
15 under section 250(c)(4)(C) of the Balanced Budget and
16 Emergency Deficit Control Act of 1985.

